UNITED
NATIONS

CAT

Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment

Distr.
GENERAL

CAT/C/SR.261/Add.1
6 June 1996

ENGLISH
Original: FRENCH

COMMITTEE AGAINST TORTURE

Sixteenth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 261st MEETING

Held at the Palais des Nations, Geneva,
on Friday, 10 May 1996, at 10.30 a.m.

Chairman: Mr. DIPANDA MOUELLE

CONTENTS

ANNUAL REPORT OF THE COMMITTEE ON ITS ACTIVITIES (continued)

ORGANIZATIONAL AND OTHER MATTERS (continued)

* The summary record of the first part (closed) of the meeting appears as document CAT/C/SR.261.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.96-16213 (E)

The public part of the meeting was called to order at 10.30 a.m.

ANNUAL REPORT OF THE COMMITTEE ON ITS ACTIVITIES (agenda item 12) (CAT/C/XVI/CRP.1 and Add.1-10) (continued)

1. The CHAIRMAN invited the Committee to take up the adoption of the annual report.

Chapter I - Organizational and other matters (CAT/C/XVI/CRP.1)

2. Mr. GONZÁLEZ POBLETE suggested that the list of States which had ratified the Convention during the period between the two sessions should be added to paragraph 1, since that information would show how the situation had changed in that regard.

Document CAT/C/XVI/CRP.1, as amended, was adopted.

Chapter I - Organizational and other matters (continued) (CAT/C/XVI/CRP.1/Add.1)

4 Document CAT/C/XVI/CRP.1/Add.1 was adopted.

Chapter II - Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (CAT/C/XVI/CRP.1/Add.2)

5. Document CAT/C/XVI/CRP.1/Add.2 was adopted.

Chapter III - Submission of reports by States parties under article 19 of the Convention (CAT/C/XVI/CRP.1/Add.3)

6. Document CAT/C/XVI/CRP.1/Add.3, as amended at the previous meeting, was adopted.

Chapter IV - Consideration of reports submitted by States parties under article 19 of the Convention (CAT/C/XVI/CRP.1/Add.4)

7 Document CAT/C/XVI/CRP.1/Add.4 was adopted.

Chapter IV - Consideration of reports submitted by States parties under article 19 of the Convention (CAT/C/XVI/CRP.1/Add.5)

8 Mr. SØRENSEN drew attention to paragraph 67 (f) of the report, where China was asked to consider cooperating with a torture victims' rehabilitation centre although that centre had not yet been established. He therefore suggested that the sentence should be appropriately modified.

9. Mr. PIKIS objected that the Committee could not alter the wording of the conclusions. If there was an error, it must be accepted as such.

10. After an exchange of views in which Ms. ILIOPOULOS-STRANGAS, Mr. BRUNI (Secretary of the Committee), Mr. YAKOVLEV, Mr. SØRENSEN, Mr. ZUPANCIC, Mr. CAMARA and the CHAIRMAN participated, it was decided that the text should be kept as it stood and that a footnote should be added to clarify the exact meaning of the Committee's decision.

11. Mr. ZUPANCIC and Mr. PIKIS said that all the members of the Committee should have a copy of the draft conclusions before they were adopted and, a fortiori, before they were given to the State party.

12. Mr. BURNS said that the idea was, in principle, an excellent one, but he did not think that, in the two hours available, the secretariat could accomplish that task. At best, the Country Rapporteur's text could be photocopied.

13. Mr. GONZÁLEZ POBLETE said he thought that, in general, the Committee might be rather too hasty in adopting its conclusions and would have more time for that important stage of its work if it spent less time putting questions to delegations. He wondered whether it would be possible to reorganize the questions so that they would all be asked through the intermediary of the Rapporteur and the Alternate Country Rapporteur.

14. Mr. YAKOVLEV agreed that that was a weakness in the Committee's procedure and that, while Committee members must be able to express their opinions, it would be useful to group the questions together.

15. Document CAT/C/XVI/Add.5, as amended, was adopted.

Chapter V - Activities of the Committee under article 20 of the Convention (CAT/C/XVI/CRP.1/Add.6)

16. Document CAT/C/XVI/CRP.1/Add.6 was adopted.

Chapter VI - Consideration of communications under article 22 of the Convention (CAT/C/XVI/CRP.1/Add.7, Part I and Part II)

17. Document CAT/C/XVI/CRP.1/Add.7 was adopted.

Chapter VII - Amendments to the rules of procedure of the Committee (CAT/C/XVI/CRP.1/Add.8)

18. Document CAT/C/XVI/CRP.1/Add.8 was adopted.

Chapter VIII - Adoption of the annual report of the Committee (CAT/C/XVI/CRP.1/Add.9)

19. Document CAT/C/XVI/CRP.1/Add.9 was adopted.

Annexes (CAT/C/XVI/CRP.1/Add.10)

20. Document CAT/C/XVI/CRP.1/Add.10 was adopted.

The meeting was suspended at 11.45 a.m. and resumed at noon.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 5) (continued)

Methods of work of the Committee

21. The CHAIRMAN said that some members of the Committee had suggested setting up a working group, which would be responsible for examining questions relating to articles 3 and 22 of the Convention.

22. Mr. BURNS proposed that Mr. Zupancic and Mr. Pikis, who had expressed an interest in that working group, should be members of it.

23. Ms. ILIOPOULOS-STRANGAS said that she, too, would like to be a member of the working group.

24. The CHAIRMAN said that, if there was no objection, he would take it that the Committee wished to establish the working group, which would consist of Ms. Iliopoulos-Strangas, Mr. Zupancic and Mr. Pikis.

25. It was so decided.

26. The CHAIRMAN said that there had been a suggestion to organize differently the consideration of communications during the Committee's sessions.

27. Ms. ILIOPOULOS-STRANGAS said that, at present, communications were considered towards the end of the session, when there was not enough time left for careful reflection on particularly important decisions; that practice also caused stress and problems for the secretariat. Moreover, the volume of communications was growing steadily. As Mr. Yakovlev had said, the Committee might be spending too much time on consideration of the periodic reports of States parties, asking large numbers of questions and, sometimes, unnecessarily repeating them. She therefore suggested that, in future, the Committee should devote the Thursday and Friday of the first week of its sessions to the consideration of communications and return to that topic towards the end of the second week, if necessary. At present, the Committee was deciding on communications at the last minute and did not even have time to see its decisions in writing.

28. Mr. SØRENSEN drew attention to an important point: on the first day of the session, each member of the Committee received a file which included all the available information on the communications of which the Committee was seized. Not only the rapporteurs responsible for the communications but all the members of the Committee should immediately begin familiarizing themselves with that information without hesitating to take the dossiers, even if confidential, home with them. The rapporteurs responsible for the communications should also disseminate the results of their work as soon as possible. During the current session, that information had been rather late in reaching the Committee.

29. Ms. ILIOPOULOS-STRANGAS said that that was not the only problem. The secretariat, which had prepared the files on the communications several weeks in advance, had not had time to submit an update during the session. If the

Committee conducted a general review of all cases on the Thursday of the first week, the rapporteurs and the secretariat would have more time to provide the desired details.

30. Mr. CAMARA agreed that the members of the Committee, who were independent experts whose functions often required them to deal with confidential files, could, of course take away the files on the communications. The problem was, rather, a psychological one. The nature of the problems with which the Committee must deal under articles 20 and 22 of the Convention required it to take real decisions, which must be carefully considered and based on solid legal arguments. It must have enough time to do so; moreover, the accumulated fatigue towards the end of a session hardly encouraged reflection.

31. The CHAIRMAN said that, in the light of the arguments which had just been adduced, it seemed that the Committee was in favour of reorganizing its sessions so that communications would be considered on the Thursday and Friday of the first week and again towards the end of the second week.

32. Mr. BRUNI (Secretary of the Committee) announced that four periodic reports of States parties had already reached the secretariat and could be examined at the next session. The Committee could consider them on Tuesday and Wednesday of the first week and Monday and Tuesday of the second week.

33. Mr. SØRENSEN said that, in the case of certain States parties which were known for their scrupulous implementation of the Convention and were presenting their second or third periodic report, it should be possible to shorten the procedure and examine two reports in one day.

34. The CHAIRMAN said that those suggestions seemed quite judicious. Moreover, Mr. Pikis had suggested for the sake of efficiency that, during the consideration of the reports of States parties, members of the Committee who had questions to ask should communicate them to the Country Rapporteur and the Alternate Country Rapporteur, thus avoiding repetition and loss of time. To that end, the Committee might need to meet briefly in closed session before receiving the delegation of the State party.

35. Mr. BURNS suggested that the Country Rapporteur and the Alternate Country Rapporteur should prepare in advance their questions concerning the report for which they were responsible and send the text of those questions to the members of the Committee prior to the session, a practice which would greatly rationalize the Committee's work. However, there was a problem when the reports were not submitted on time by States parties: in such cases, the rapporteurs would find it quite difficult to communicate their questions in advance. In any case, the Committee could try out that method at its next session with the four periodic reports which had already arrived. He feared that it would not be possible to do so in the case of the other reports.

36. Mr. CAMARA said that the work of the Committee members could be further improved if the periodic reports for consideration were sent to them in advance so that they could study them and write down the questions which seemed useful to them in order to forward them subsequently to the

secretariat. Since that would result in better preparation for the session, it would be possible to draw up a questionnaire which the rapporteur would submit to the delegation on behalf of the Committee as a whole.

37. Mr. GONZÁLEZ POBLETE said that he fully agreed with Mr. Camara and even thought that the secretariat should send the members of the Committee, in advance, not only the periodic report to be considered but all relevant documentation, in other words, the previous reports and the summary record of the discussion devoted to them. In that way, each member would be in a position to evaluate the progress made by the country or to note that the situation there had deteriorated. It would also be useful to receive the relevant documentation issued by other bodies, for example, the reports of Special Rapporteurs. In that regard, he gave the example of an earlier report on compensation, written by Mr. van Boven, and that of the report on amnesty prepared at the request of the Commission on Human Rights.

38. Mr. SØRENSEN agreed with Mr. González Poblete that the members of the Committee should have access to previous reports on the countries scheduled for periodic consideration and certain reports concerning major issues of interest to the Committee. When considering the situation of a country, the Committee also made use of information from other sources, primarily the non-governmental organizations (NGOs), but that information usually arrived at a late stage, sometimes even after the periodic report of a given country had been considered. An attempt must, therefore, be made to solve that problem and the NGOs should be asked to submit their documents three months in advance so that the Committee could take them into account.

39. Mr. YAKOVLEV said that, logically, questions should be submitted in writing to the rapporteur for a given country, but to do so would present a problem in translation which would not exist if those questions were submitted orally to the rapporteur during the session. If, however, the option of written questions was decided upon, there should be a special meeting during which the members of the Committee could submit questions orally to the rapporteur, who would then be responsible for summarizing them and submitting a general questionnaire to the State party.

40. Mr. BRUNI (Secretary of the Committee) said that the secretariat tried to send out the documentation one month before the session but that there were problems arising from the fact that the Committee must compete with certain major bodies for translation of that documentation; during the current year that had been particularly so with the Commission on Human Rights, which had met just before the Committee's session. In view of the timing, it scarcely seemed possible for the members of the Committee to receive the documentation early enough to consider it in depth, formulate questions and communicate them to the secretariat, which must then transmit them, after translation, to the rapporteurs. On the other hand, it would be possible to follow the example of certain other committees, for example, the Human Rights Committee, which had the possibility of meeting for a week as a working group prior to their sessions and could thus prepare questions for submission to the Governments of the Member States concerned. In its annual report to the General Assembly, the Committee against Torture had requested the latter to grant it an additional one-week session; if the General Assembly acceded to that request, the Committee could, in turn, decide to set up such a working group.

41. Owing to restrictions on documentation, the secretariat transmitted the documents relating to the consideration of previous periodic reports of a given country only to the rapporteur for the country being considered; moreover, the documents in question were often very old ones which were out of print and would be extremely expensive to reprint. It was true that documents communicated by NGOs often arrived at the last moment. The Committee had already examined that question and had asked the secretariat to inform the dozen or so NGOs specializing in the fight against torture, in writing before each session, of the countries whose reports were scheduled for consideration. The secretariat, therefore, already asked those involved to send it their documents for forwarding two months in advance, but, in practice, those documents continued to arrive late.

42. Mr. PIKIS said the procedure for submission of documents by NGOs, and for informing States parties of such submissions and inviting them to comment on the documents in question, should be made somewhat more official. The Committee might consider informing the NGOs that if they did not meet a certain deadline in submitting their information, the Committee would be unable to take it into consideration since it would not have time to evaluate it. An exception could be made if there were new developments immediately prior to a session, in which case the relevant information could be admissible.

43. The idea of drawing up a general questionnaire for the Committee should be pursued. The best method would be to ask Committee members to submit their questions in writing to the rapporteurs and to schedule, before the oral presentation by the State party, a 15-minute meeting during which the list of issues could be added to or certain related points could be discussed.

44. Mr. SØRENSEN said that it would be more realistic for rapporteurs to draw up a questionnaire and then give it to the other members, who would then be able to add to it by submitting written suggestions. It was unlikely that all the members of the Committee would be in a position to examine all the country reports in depth a month before the meeting, formulate questions on the subject and communicate them to the rapporteur in the various languages. If, however, the Country Rapporteur and the Alternate Country Rapporteur submitted a questionnaire to the other members, the latter would be able to add to it by asking questions on certain points of particular importance to them.

45. Mr. GONZÁLEZ POBLETE supported Mr. Pikis' suggestion that a meeting should be organized before the oral presentation of a State party. It was true that the range of questions which members of the Committee asked States parties was so broad that it could offer States parties an excuse for giving only evasive and superficial answers under the pretext that they had done so for lack of time. Grouping questions together would lead States parties to reply in greater depth. It would, therefore, be a good idea for the rapporteurs to suggest a list of issues for a given country, including the essential points on the basis of which the Committee would be called upon to formulate recommendations and conclusions or to state that it was concerned.

46. The CHAIRMAN said he took it that, from the next session on, the Committee wished to devote the Thursday and Friday of the first week of its work to the consideration of communications, to entrust the Country

Rapporteurs and Alternate Country Rapporteurs with the preparation of a questionnaire to be submitted to States parties scheduled to present a periodic report, to transmit that questionnaire in writing to the other members of the Committee and to meet in closed session for half an hour before the oral presentation of a State party in order to complete the general questionnaire which the rapporteur, on behalf of the Committee, would submit to the State party concerned.

47. It was so decided.

48. The CHAIRMAN suggested that, for lack of time, consideration of the question raised by Mr. Pikis concerning the evaluation of information or evidence received by the Committee should be postponed until the Committee's next session.

49. It was so decided.

50. After the customary exchange of courtesies, the CHAIRMAN declared the sixteenth session of the Committee against Torture closed.

The meeting rose at 1 p.m.